

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

THOMAS MICHAEL ROBERTSON,

Plaintiff,

V.

**MICHAEL J. ASTRUE,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

Civil Action No. **7:09-CV-0188-O**

ORDER

This is a social security case. Plaintiff Thomas Michael Robertson filed this action on December 7, 2009 (doc. 1) seeking judicial review of a final decision of the Commissioner of Social Security (the “Commissioner”), who denied his application for disability benefits under Titles II and XVI of the Social Security Act. Along with his Complaint, Plaintiff also filed a Motion for Leave to Proceed In Forma Pauperis. (doc. 2). Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, the case was referred to United States Magistrate Irma C. Ramirez for review and submission of proposed findings of fact and recommendation for disposition. On December 9, 2009, the Magistrate Judge mailed Plaintiff an order for additional financial information and a financial information questionnaire seeking additional information to determine whether *in forma pauperis* status was appropriate. (doc. 9). The order provided that Plaintiff had thirty (30) days to file his answers to the questionnaire, and that failure to file answers could result in the dismissal of this action for failure to prosecute. As of January 13, 2010, Plaintiff had not filed his answers to the questionnaire. On January 13, 2010, the Magistrate Judge filed her Findings,

Conclusions and Recommendations (the "Report"), in which she recommended that the court dismiss the case without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). (doc. 5). Plaintiff did not file any objections to the Report. Plaintiff has not filed any answers to the questionnaire sent him by the Magistrate Judge.

After an independent review of the pleadings, file, record, applicable law, and the Magistrate Judge's findings and conclusions, the court determines that the magistrate judge's findings and conclusions are correct, and they are hereby **accepted** by the court. Accordingly, the court **dismisses** this case without prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). A judgment shall issue separately.

So ordered this **29th** day of **January, 2010**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE